THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION NO.1099 of 2006

Dated: 27-01-2006

Vardhiparthi Madhusudhana Rao.

..... PETITIONER

AND

The Mandal Revenue Officer, Madhuravada, Visakhapatnam,

and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION NO.1099 of 2006

ORDER:

The petitioner claims to be the owner of plot No.46 in survey No.48/3 admeasuring 266.66 sq. yards situated in Pothina Mallayyapalem Village, Visakhapatnam. He entered into a sale transaction with one
P. Surya Prakash, purchased the requisite stamp papers and presented the sale deed dated 17-01-2006 to the second respondent for registration. The same was returned by the second respondent purportedly acting in accordance with Gazette Notification dated 04-05-2005 whereby and whereunder the Government of Andhra Pradesh prohibited registrations of land in Survey No.48/3. Aggrieved by the same, the petitioner filed the present writ petition seeking a direction to the second respondent to receive and register the sale deed dated 17-01-2006 whereby and whereunder the petitioner sold the property to third party.

Learned counsel for the petitioner placed strong reliance on the decision of the

Supreme Court in **State of Rajasthan v Basant Nahata** in support of the contention that Section 22 A of the Registration Act, 1908 as amended by the state of Andhra Pradesh is *ultra vires* and therefore consequently the notification dated 04-05-2005 issued by the Government of Andhra Pradesh is unsustainable.

Legal position is not denied by the learned Assistant Government Pleader. Indeed it is brought to the notice of this Court by the learned Assistant Government Pleader that this Court disposed of similar writ petitions giving directions to the Registering Authority to register the document, in particular W.P.No.27447 of 2005 on 30-12-2005.

Accordingly, following the judgment of this Court in W.P.No.27447 of 2005 dated 30-12-2005, this writ petition is disposed of directing second respondent to accept the document and take action for registration in accordance with law. No costs.

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(**V.V.S.RAO, J**)

27th January 2006

Note: Issue CC in one week.

B/o

ghn